



County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA
Chief Executive Officer

September 29, 2009

To: Supervisor Don Knabe, Chairman
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

A handwritten signature in black ink, appearing to be "W. T. Fujioka", written over a horizontal line.

Board of Supervisors
GLORIA MOLINA
First District

MARK RIDLEY-THOMAS
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

THE STATE'S PLAN TO RELEASE NONVIOLENT OFFENDERS AND ITS FINANCIAL IMPACT ON THE COUNTY (ADMINISTRATIVE MEMO – AUGUST 4, 2009, BOARD MEETING)

On August 4, 2009, your Board directed the Chief Executive Officer (CEO) to report back on the State's plan to release nonviolent offenders and its financial impact on the County.

On September 11, 2009, the Legislature passed SBX3 18 (Ducheny), which is the Assembly's version of the corrections reform measure (Attachment). The bill, however, did not include the alternative custody proposal to release nonviolent offenders, and the State did not achieve the total unallocated reductions as anticipated. The Governor has until October 11, 2009 to sign the bill.

The United States Supreme Court (Court) has signaled that it will accept jurisdiction over the prison overcrowding case in which a three-judge Federal Court panel recently ordered the State Administration to produce a detailed plan to reduce the prison population by approximately 46,000 inmates over two years. The Court denied a stay of order to produce that plan; therefore, on September 18, 2009, the State filed a plan with the three-judge Federal Court panel. The State's appeal of the case is still pending and is not affected by the filing of the plan. However, the State indicates that reducing the prison population to 137.5 percent of design capacity, as ordered by the Court, cannot be accomplished without compromising public safety. The State, instead, provided a plan that could potentially reach that goal over five years, assuming legislative reforms are enacted.

"To Enrich Lives Through Effective And Caring Service"

**Please Conserve Paper – This Document and Copies are Two-Sided
Intra-County Correspondence Sent Electronically Only**

Each Supervisor
September 29, 2009
Page 2

Following a period of review and response by the Court panel and the State's response to the Court's comments, we understand that the Court will make a ruling to either accept the plan, return it to the State for modifications, or reject it and move toward implementation of its own plan.

At this time, we are unable to determine the financial impact on the County due to the state of uncertainty. We will keep you informed of any development. If you have any questions, please contact Deputy Chief Executive Officer Brenne Culp, Public Safety, at (213) 893-2374.

WTF:SRH:BKC
SW:JV:cc/llm

Attachment

c: Sheriff
Executive Officer, Board of Supervisors
Acting County Counsel

ATTACHMENT

SBX3 18 (Ducheny), the Assembly's version of the corrections reform measure, passed the Senate by a vote of 21 to 15 on September 11, 2009, and proceeds to the Governor. As reported in the September 1, 2009 Sacramento Update, SBX3 18 includes the following provisions:

- **Property Crime Thresholds:** Increases various property crime thresholds to reflect the Consumer Price Index. Lowers the property crime threshold, including grand theft, from \$2,500 to \$950.
- **Inmate Credit Changes:** Creates an incentive for inmates to participate in programs while in prison to reduce recidivism. Specifically, this legislation would: 1) provide offenders with day-for-day credit while in jail; 2) authorize the CDCR to award enhanced credits up to six weeks per year upon satisfactory completion of rehabilitation, education, and/or vocational programs while in prison; and 3) authorize the department to extend existing enhanced credits for inmates waiting to be transferred to a fire camp.
- **Parole Policy:** Requires the CDCR to use a risk-instrument to assess the risk of parolees to the community prior to release.
- **Parole Revocation:** Reduces the level of parole supervision for low and moderate offenders convicted of non-serious, non-violent, and non-sex crimes and they will not be subject to parole revocation; however, parole supervision increases for high-risk offenders. Low and moderate offenders may have their parole reduced if they successfully complete a drug treatment program.
- **Parole Re-entry Accountability Program:** Establishes a parole re-entry court program which would provide rehabilitation and treatment services to certain parole violators to reduce recidivism.
- **Community Corrections:** Allows county probation departments to receive fiscal incentives for felony probationers if they remain under the jurisdiction of the county and are not sent to prison, similar to County-supported SB 678 (Leno). The Fiscal Year 2009-10 State Budget Act provides \$45 million in Federal funds to probation departments for additional officers and for evidence-based programs.

SBX3 18 **does not include** the sentencing commission, the alternate custody proposal, or the conversion of "wobblers" to misdemeanors. Wobblers are crimes that can currently be considered either felonies or misdemeanors.